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Rejections under 35 U.S.C. §102

Claims 1, 2, 5-7, 10-12 and 15 were rejected under 35 U.S.C. §102 as being anticipated by Lim (U.S. Pat. 6,430,640).

Claims 1, 6 and 11 have been amended to include the below (or similar) limitation of "...raising the operating system task to a high priority level in order to perform the selected operation *in response to the detection of a trigger condition comprising a link state advertising message indicating that the selected operation is to be performed...*" The Examiner admits on page 6 of the office action that "Lim did not clearly teach that the operating system task is a routing task, and the trigger condition comprises receipt of a link state advertisement protocol message..." Accordingly, in view of this amendment, Applicants respectfully submit that the rejection of claims 1,2, 5-7, 10-12 and 15 has been overcome and should be withdrawn.

Rejections under 35 U.S.C. §103

Claims 3, 4, 8, 9, 13 and 14 were rejected as unpatentable in view of Lim and in view of the Applicants admitted prior art (APA). Because the limitations of claims 3, 8 and 13 have been moved to their parent independent claims of 1, 6 and 11, respectively, Applicants will address the Examiner's rejection with regard to the independent claims.

Applicants claim 1 now recite the steps of "...wherein the operating system task is a routing task, and wherein the trigger condition comprises receipt of a link state advertisement protocol message ..." Although the Examiner states that these elements are recited in the combination of references, Applicants disagree.

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The portion of the Lim cited by the Examiner as supporting the teaching of 'a trigger

event' merely appears to infer that some event happens to cause a processor increase its own

priority. Lim states "... where other factors are used to set the priority, as those factors change in

real-time, so can the priority of the processor..." (col. 15, lines 18-19). As described above, Lim

describes only that a priority of the processor changes, not a priority of a task as recited in the

claims. In addition, no explicit trigger event is recited, rather just a statement that 'the priority

changes..." and in particular no mention that a 'trigger condition comprises receipt of a link state

advertisement protocol message indicating link status information...'

Although the APA states that each node periodically tests communication links and sends

LSAs including link status information, there is no suggestion, either in the APA, Lim or the

combination thereof, of using the LSA as a trigger event to change the priority of a routing task,

as recited in Applicants claims. Applicants submit that the examiner is using hindsight, in view

of the invention, to include the LSA event as 'a factor that changes' in Lims' system. The

Examiner states, at page 3 of the office action that the conclusion is not improper hindsight,

because it takes into advantage "only knowledge which was within the level of ordinary skill in

the art at the time the claimed invention was made..." However, because no mention or

suggestion of using the LSA as a trigger event for changing the priority of a routing task as

viewed by the operating system has been shown to be taught or suggested by 'one of ordinary

skill in the art at the time the claimed invention was made..' In fact, the *only* teaching of this is in

the recited claims. Accordingly, Applicants maintain their position that the Examiner is using

improper hindsight based on the teaching of the claims of the present invention.

Accordingly, for at least this reason, independent claims 1, 6 and 11are patentably distinct

over the combination of Lim and APA, and the rejection should be withdrawn. A similar

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argument can be put forth for claims 8 and 13, and accordingly the rejection to those claims

should also be withdrawn. Dependent claims 2-6, 8-10 and 13-15 serve to further limit their

associated parent independent claim, respectively, and are therefore patentable for at least the

reasons put forth with regard to their parent claims.

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Applicants have made a diligent effort to place the claims in condition for allowance.

However, should there remain unresolved issues that require adverse action, it is respectfully

requested that the Examiner telephone Lindsay McGuinness, Applicants' Attorney at 978-264-

6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now

considered to be in condition for allowance and such action is earnestly solicited.

<div align="center">Respectfully Submitted,</div>

12/1/2003
Date

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